

INTERNATIONAL EDUCATORS, H-1B VISA & CREDENTIALS

Thank you for your interest in hiring an international educator. This document has been designed to assist you with the licensure and certification process, however, the L&C team are not experts on Visas. Your HR team will need to work closely with the educator that they are intending to hire and potentially, an immigration lawyer.

If your educator is coming to the United State through the MOU agreements for immersion programs, do not read further. Please work with Lynn-Fulton Archer (lynn.fulton@doe.k12.de.us) of the DDOE who handles this program.

If your educator is attempting to secure an H-1B Visa, then you need this information and should keep reading.

WHAT IS AN H1-B VISA?

The H-1B visa program applies to employers seeking to hire non-immigrant aliens as workers in specialty occupations or as fashion models of distinguished merit and ability. A specialty occupation is one that requires the application of a body of highly specialized knowledge and the attainment of at least a bachelor's degree or its equivalent. The intent of the H-1B provisions is to help employers who cannot otherwise obtain needed business skills and abilities from the U.S. workforce by authorizing the temporary employment of qualified individuals who are not otherwise authorized to work in the United States.

WHAT IS A SPECIALTY OCCUPATION?

“Specialty occupation” is defined by U.S. Citizenship and Immigration Services (USCIS) as follows:

H-1B Specialty Occupations. The occupation requires: Theoretical and practical application of a body of highly specialized knowledge. Attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States

The U.S. Department of Labor states the following:

A specialty occupation is one that requires the application of a body of highly specialized knowledge and the attainment of at least a bachelor's degree or its equivalent. The intent of the H-1B provisions is to help employers who cannot otherwise obtain needed business skills and abilities from the U.S. workforce by authorizing the temporary employment of qualified individuals who are not otherwise authorized to work in the United States.

HOW DO YOU MAKE A CASE THAT YOUR POSITION IS SPECIALTY OCCUPATION?

It is up to the individual school district to make a case for why a teacher meets the definition of “specialty occupation” and given the shortage of multilingual speakers in the U.S., dual language immersion and world language teachers are usually approved through the program. Making the case for bringing a teacher on an H1-B visa is not just about trying to fill a vacancy or a shortage area, but rather identifying that these teachers don't exist in the U.S. because of a lack of training or skill.

CAN YOU BRING SOMEONE INTO THE U.S. ON AN EMERGENCY CERTIFICATE?

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DELAWARE DEPARTMENT OF EDUCATION LICENSURE & CERTIFICATION



It is possible for an H-1B to be granted for an individual holding an emergency certificate. It is up to the district to make the case for hiring with the emergency certificate, but they can try, and at least one district has done so in the past.

WHAT IS THE PROCESS FOR DELAWARE LICENSURE & CERTIFICATION?

L&C appreciates that the international educators that LEAs are hiring under H-1B visas need to have a license and certificate to submit with their application. We understand that these are rush requests and we do our best to accommodate them in a timely manner.

The Department of Technology and Information (DTI) recently implemented software that is intended to block hackers from entering state systems. It also has the effect of blocking those in international locations from obtaining access to DEEDS. An alternate system has been developed for these applicants as described below.

Please note that ALL information and documents should be **sent by the LEA to the DEEDS mailbox** at mailbox.deeds@doe.k12.de.us.

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INTERNATIONAL APPLICANT APPLICATION PROCESS:

1. **OBTAIN A DEEDS STATE ID:** Prior to creating any online accounts, please request a **DEEDS State ID** by submitting a **TECHNOLOGY APPLICATION FOR LICENSURE FOR INTERNATIONAL APPLICANTS**. This will serve as the replacement for the educator's Social Security Number (SSN), presuming the individual does not already have an SSN.
 - a. Please **DO NOT** create an SSN NUMBER.
 - b. Please be very careful in specifying how the name appears, including surnames, middle names, and family names. The data provided is how the name will be reflected in the DEEDS system and should match in ClassLink, DEEDS, the [paper] application and on all documents submitted in support of the application.

Send the email with the completed form to the DEEDS mailbox at deeds@doe.k12.de.us; this will create a KACE ticket for this process. The form will follow a path of: LEA HR --> DOE L&C --> LEA Tech Dept --> DOE L&C. The form will be returned with a DEEDS STATE ID. LEA designated contact for international applicants, LEA technology department, and L&C should be included in all steps.

2. **SECURE CLASSLINK ACCOUNT:** Using the LEA's existing process for adding educators to ClassLink, LEAs should use the data from the Technology Application and create a Classlink account. It is imperative that all other data matches that which was submitted for the **DEEDS State ID**. When securing the account, use the last four digits of the **DEEDS State ID** in place of the Social Security Number.
3. **SECURE A DISTRICT OR SCHOOL EMAIL ADDRESS:** Using your existing process, secure a district or school email address. Return this information to DOE on the Technology Application.
4. **LINK THE CLASSLINK ACCOUNT TO DEEDS:** The LEA should impersonate the educator and click on the DEEDS icon. Using the information in the above table, the LEA should complete the DEEDS table. This completes the process in preparation for the entry of the application by DOE.
5. **OBTAIN A COMPLETED INTERNATIONAL APPLICATION FROM THE CANDIDATE.** Have the educator complete and submit a DEEDS *paper* application; they must **sign and date the application**. The completed application should be sent to your LEA, validated through HR signature, and forwarded to the DEEDS mailbox. Name and date of birth should match exactly. Submit the paper application to the DEEDS mailbox.
6. **APPLICATION IS ENTERED INTO DEEDS:** Upon receipt of the paper application, L&C will enter the application data into DEEDS.
7. **MAKE REQUIRED PAYMENT.** L&C will initially process the application without the required \$100 fee and advance the application for processing. At a future date, upon the issuance of the VISA, L&C will work out a payment method (e.g. Intergovernmental voucher, check, credit card, etc.).

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8. **NOTIFY LEA OF ACCESS TO THE EDUCATOR'S DEEDS ACCOUNT THROUGH THE LEA DASHBOARD.** L&C will notify the LEA when the application has been entered, and the account is available for document upload.
9. **UPLOAD SUPPORTING DOCUMENTS TO DEEDS.** Just as with candidates from the U.S.A., submit the required documents to support the application. This will include a transcript evaluation from a DOE-approved company, test score documents, etc.
10. **[OPTIONAL] OBTAIN ACCEPTANCE DOCUMENTS FROM AN APPROVED ARTC PROGRAM:** If your candidate is not a certified educator in their home country, they will need to apply and be accepted into an ARTC program for the proposed position of employment. The process is the same as for U.S. candidates. You can locate the list of approved programs on L&C's website at <https://www.doe.k12.de.us/Page/3495>. L&C does not need a Welcome Letter; we only need an acceptance letter for the credentialing process. Please ensure that the educator understands the time and fiscal commitment of an ARTC program. The Welcome Letter will need to be sent to L&C later.
11. **ENSURE ALL DOCUMENTS ARE SUBMITTED TO L&C:** Send ALL pertinent, official documents to the DEEDS mailbox at mailbox.deeds@doe.k12.de.us.

A Foreign Evaluation Report for all transcripts to be sent to deeds@doe.k12.de.us by the reviewing body or mailed to

Delaware Department of Education
Licensure & Certification
Collette Education Resource Center
35 Commerce Way, Suite 1
Dover, DE 19904

Accepted evaluations must be from a **NACES or AICE member agency**. See the Delaware Department of Education website for further information. <https://www.doe.k12.de.us/Page/3505>

12. **COMPLETE PAYMENT FOR THE APPLICATION:** Work cooperatively with the educator to complete the payment in DEEDS. International credit cards are accepted if the payee is logged into DEEDS and the payment is in U.S. Dollars. A one-time non-refundable fee of \$100 U.S dollars will be charged to educators applying for their first license in Delaware (Initial, Continuing, or Advanced). The applicant must also meet certification requirements prior to a license being issued. The fee will be retained by the State of Delaware whether the transaction results in the issuance of a license and certificate. Refer to 14 Del.C. §122 (27) for details regarding the rules and regulations. Payment may be made in cooperation with your employing district or charter school or legal counsel.

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- 13. L&C PROCESSES THE APPLICATION:** If everything in the application is acceptable, L&C will process the credentials.
- 14. LEA DOWNLOADS THE CREDENTIALS:** The LEA will be able to view the educator in DEEDS and download the existing, inactive credentials. You should not need active credentials for the Visa application; the LEA may provide a note explaining that the credentials will be activated upon employment.
- 15. UPDATE ACCOUNT AFTER HIRE:**
 - a. Upon securing an H1-B Visa and gaining employment with your LEA, notify L&C so that the Social Security Number can be updated.
 - b. Ensure that educator demographics are accurate (local address, phone number, etc.)
- 16. REVISIT PAYMENT OF THE \$100 LICENSE FEE:** L&C will contact the LEA and arrange for payment of the \$100 license fee.

If the LEA and L&C complete this process, and the educator meets all requirements, L&C should be able to issue an inactive initial license and the requested standard or emergency certificate(s). The license will activate upon DEEDS receiving employment in PHRST. The educator will not be able to access their ClassLink or DEEDS account until they are doing so from a site within the United States.

Accepted evaluations must be from a **NACES or AICE member agency**. See the Delaware Department of Education website for further information. <https://www.doe.k12.de.us/Page/3505>

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